



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, January 14, 2010 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	March 11, 2010

MEMBERS PRESENT

Ricky H. Allamong, Professional Member, Chairman
Vincent M. White, Professional Member, Vice-Chairman
Andrew Staton, Professional Member, Secretary
Gilbert Emory, Public Member
James C. Brannon, Jr., Public Member
Patricia O'Brien, Public Member
Christopher J. Whitfield, Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III

MEMBERS ABSENT

James L. Givens, Professional Member
Denise R. Stokes, Public Member

ALSO PRESENT

TracyLee Elmore, SCAOR
Mike McGavisk
Audrey Brodie
Stanley Gordon
Ron Hohrein
John Constantini

CALL TO ORDER

Mr. Allamong called the meeting to order at 9:03 a.m. A moment of silence was held for the people of Haiti who lost their homes and family and friends during the recent earthquake. Ms. Stokes continues to be in the thoughts and prayers of Commission members.

REVIEW OF MINUTES

A motion was made by Mr. White, seconded by Mr. Emory to approve the minutes of the meeting held on December 10, 2009. The motion passed unanimously.

HEARING

9:15 a.m. – Case 02-34-09 Against Carole A. Sieber

A continuance had been granted in Case 02-34-09 against Carole A. Sieber. The hearing has been rescheduled for the March 11, 2010 Commission meeting.

NEW BUSINESS

Applications for Licensure

A motion was made by Mr. Whitfield, seconded by Mr. White to ratify the following new salesperson applicants as presented:

Diane Archino, Mann and Sons, Inc., Rehoboth Beach, DE
Sergei Boboshko, Prudential Gallo, Realtors, Rehoboth Beach, DE
M. Reza Shiekh, Patterson Schwartz, Hockessin, DE
Michaelene Whelton, Platinum Realty, Middletown, DE
Russell Griffin, Century 21 Ramey Real Estate Inc., Seaford, DE
Kevin Toll, Long & Foster, Media, PA
Deirdre Sadler Crew, Millman Realty LLC, Wilmington, DE
Karen Shallcross, Patterson Schwartz, Wilmington, DE
Alexandra Reed, Re/Max Realty Group, Rehoboth Beach, DE
Pamela Strosnider, Prudential Fox & Roach, Newark, DE
Elizabeth Molnar, Patterson Schwartz, Hockessin, DE
Eugenia Walls, Coldwell Banker Preferred, Wilmington, DE
Julia Walls, Prudential Gallo, Realtors, Lewes, DE
Jenna Hall, Coldwell Banker Preferred, Wilmington, DE
Steven Hills, Jack Hickman Real Estate, Bethany Beach, DE
Dominique Marshall, Coldwell Banker Preferred, Wilmington, DE
Hollis Keener, Jr., Re/max Realty Group, Rehoboth Beach, DE
Dalyne Adderley Vick, Millman Realty LLC, Wilmington, DE
Reid Hubbard, Century 21 Gold Key Realty, Newark, DE
Ahmadullah Raghbat, Patterson Schwartz, Greenville, DE
Rachel Dos Santos, Prudential Gallo, Realtors, Lewes, DE
Cleandra Clarke, Century 21 Premier Homes, Middletown, DE

The motion passed unanimously.

The application of Michael Ray for a non-resident broker's license was reviewed. A motion was made by Mr. White, seconded by Ms. O'Brien to approve this application. The motion passed unanimously.

The application of Diana Grusky for a resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve this application. The motion passed unanimously.

The application of Audrey Brodie for a resident broker's license was reviewed. Ms. Brodie requested a waiver of rule and regulation 3.2.1 which states that a salesperson must hold an active license in the real estate profession for five continuous years immediately preceding application for a broker's license. Ms. Brodie has held an active salesperson's license for four years and ten months. Ms. Brodie addressed the Commission regarding her number of sales, her education and experience. A motion was made by Mr. Staton, seconded by Mr. Brannon to approve Ms. Brodie's application and grant a waiver for rule and regulation 3.2.1 pursuant to rule and 1.1.3. The motion passed by majority vote. Mr. Whitfield and Mr. White voted against the motion.

The application of Bobbi Slagle for a resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

The application of Peter Castle for a resident salesperson's license was reviewed. A motion was made by Mr. White, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

The application of Jody Miller for a resident salesperson's license was reviewed. A motion was made by Mr. Brannon, seconded by Ms. O'Brien to approve this application. The motion passed unanimously.

New Offices

The application of Olimpo Realty, LLC for a new office was reviewed. A motion was made by Mr. Staton, seconded by Ms. O'Brien to approve this application. The motion passed unanimously.

The application of Johnstone & Ilis, LLC for a new office was reviewed. A motion was made by Mr. White, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

The application of National Referral Real Estate for a new office was reviewed. A motion was made by Mr. White, seconded by Mr. Staton to approve this application. The motion passed unanimously.

Reinstatement of Licenses

The application of James Fizzano for reinstatement of a non-resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. White to approve Mr. Fizzano for reinstatement. The motion passed unanimously.

The application of Gay Murray for reinstatement of a non-resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. White to approve Ms. Murray for reinstatement. The motion passed unanimously.

Status of Complaints

Complaint No. 02-29-09 - Closed
Complaint No. 02-51-09 – Assigned to Mr. White
Complaint No. 02-52-09 – Assigned to Mr. Givens
Complaint No. 02-53-09 – Assigned to Mr. Staton
Complaint No. 02-01-10 – Assigned to Mr. Allamong

Education Committee Report

It was noted that Larry Tims was elected Chairperson of the Education Committee at the January 7, 2010 meeting. The Commission thanked Mr. McGavisk for serving as the Chairperson for the past four years.

Recommendation to Approve and Deny Course Providers, Instructor Application and Student Requests as Noted

A motion was made by Mr. Staton, seconded by Mr. Brannon to approve and deny course providers, instructor applications and student requests as noted in the minutes of the January 7, 2010 meeting of the Real Estate Education Committee. The motion passed unanimously.

Review Resume for Dick Brogan

The Commission reviewed the resume for Dick Brogan which was submitted to be considered for appointment to the Education Committee as a Kent County professional member. A motion was made by Mr. White, seconded by Mr. Staton to appoint Mr. Brogan to the Education Committee. The motion passed unanimously.

Update on Proposed Statute Revisions from the Subcommittee to Review Statute Revisions

Mr. Whitfield gave an update on the proposed statute revisions. He reported that Mr. Allamong is drafting a new subsection for home builder registration; Mr. Staton is drafting language for the licensing of auctioneers; and he is finalizing a new subsection for licensing of residential property managers. Mr. Allamong will be meeting with Jennifer Casey, Executive Director of the Delaware Home Builders Association, after this meeting today to review a draft of the new subsection for home builder registration. The next Subcommittee meeting is scheduled for February 2, 2010 at 9:00 a.m. The Subcommittee hopes to have a draft of the proposed revisions ready for the Commission to review at the March meeting.

Notification of Intent to File a Claim Against the Real Estate Guaranty Fund: John M. Constantini v. Lewes Realty, Inc.

The Commission received notification from John M. Constantini of his intent to file a claim against the Real Estate Guaranty Fund.

Notification of Intent to File a Claim Against the Real Estate Guaranty Fund: John A. Sergovic, Jr., v. Carole Sieber and Lewes Realty, Inc.

The Commission received notification from John A. Sergovic, Jr. of his intent to file a claim against the Real Estate Guaranty Fund.

Notification of Intent to File a Claim Against the Real Estate Guaranty Fund: Reeves v. Lewes Realty, Inc. and Carole Sieber

The Commission received notification from Marylou Wellbrock-Reeves and Richard Reeves of their intent to file a claim against the Real Estate Guaranty Fund.

Notification of Intent to File a Claim Against the Real Estate Guaranty Fund: Tisdell v. Paul Pruitt and Sharon Morris

The Commission received notification from Douglas and Vicki Tisdell of their intent to file a claim against the Real Estate Guaranty Fund.

OLD BUSINESS

Discussion: Common Law Agency Disclosure – Mr. Allamong

Ms. Heeney had questions about the draft of the common law agency disclosure form. Mr. Allamong will provide Ms. Heeney with the statute reference. This was tabled until the next meeting.

Complaint No. 02-09-09 – Review of Consent Agreement

The Commission reviewed the consent agreement regarding Case No. 02-09-09 against Anthony M. Kulp. According to the consent agreement, Mr. Kulp will receive a letter of reprimand. A motion was made by Mr. White, seconded by Mr. Brannon to accept the consent agreement. The motion passed by majority vote. Mr. Staton recused himself from the vote. Ms. Heeney will draft the letter of reprimand.

Stanley Gordon: Review of Request for the Commission to Reconsider their December 10, 2009 Decision to Deny his Request for Reinstatement

Mr. Gordon requested that the Commission reconsider their December 10, 2009 decision to deny his request for reinstatement. Mr. Gordon addressed the Commission regarding his failing score on the examination required for reinstatement. He also explained about the circumstances surrounding the expiration of his salesperson's license. A motion was made by Mr. White, seconded by Mr. Brannon to reinstate Mr. Gordon's license based on the fact that he had completed the required fifteen hours of continuing education, all of circumstances were not disclosed in Mr. Gordon's original letter and failure of supervision by the broker of record. The motion passed unanimously.

Eric LaFontaine: Review of Request for Additional Time to Retake State Portion of Exam

The Commission reviewed the letter from Eric LaFontaine requesting additional time to retake the state portion of the exam in order to have his resident salesperson's license reinstated. The Commission had given Mr. LaFontaine sixty days in which to pass the exam. The sixty days will not be up until February 13, 2010. A motion was made by Mr. Staton, seconded by Mr. Brannon to deny Mr. LaFontaine's request. The motion passed unanimously.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Whitfield stated that he felt the Commission had made a mistake in granting a waiver of the five year requirement. Mr. White agreed and also stated the he felt the Commission should not have set a precedent in this matter.

PUBLIC COMMENT

Mr. Constantini asked for the Commission's guidance in what he needed to do next regarding his notification to the Commission of his intent to file a claim against the Guaranty Fund. Ms. Heeney advised that the Commission could not give him legal advise, but reminded him that he needs to meet the requirements under Section 2922 of the statute. He also expressed his concern with the hearing for Carole Sieber being rescheduled until the March meeting.

Mr. Hohrein stated that he was present just to observe a Commission meeting and thanked the Commissioners for their work and dedication.

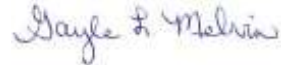
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, February 11, 2010 at 9:00 a.m.

ADJOURNMENT

A motion was made by Mr. Staton, seconded by Mr. Brannon to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:45 a.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III